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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In Re)

Amendment of Section 73.1125)
of the Commission's Rules)

MM Docket No. _____
RM- _____

To: The Commission

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

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SUMMARY

The requirement of the main studio rule that all broadcast stations maintain a main studio within their principal city contour is designed to accomplish two objectives: (i) to ensure that the main studios of stations will be accessible to the residents of the stations' communities of license and (ii) to expose the management and staff of stations to the needs, issues and problems of the communities that they serve. This set of objectives is the same for all classes of stations. Yet the main studio rule allows stations with high power to locate their main studios at great distances from their communities of license while it requires low power stations to locate their main studios in close proximity to their communities of license. Under the main studio rule, the same studio location can be a lawful main studio for one station licensed to a given community and yet not a lawful location for the main studio of another co-owned station licensed to that same community even though it defies logic that a single location could satisfy the objectives of the rule for one of the two stations but not the other.

The main studio rule also imposes substantial burdens on licensees with two or more stations in a single market who are required to establish and maintain "main studios" which are of no use to them and which in no way benefit the public.

As the main studio rule does not further the objectives for which it was created and imposes substantial burdens on licensees

main studio, station employees familiar with the contents of the public file and the FCC's public file requirements will be available to assist persons inspecting the public file in finding information that they are seeking. No such assistance is likely to be available when the public file is kept at a location other than the station's main studio. Accordingly, the public file rule should be amended to require that all stations keep their public file at their main studio location.

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To: The Commission

PETITION FOR RULEMAKING

Apex Associates, Inc. ("Apex"), Armak Broadcasters, Inc. ("Armak"), Starview Media, Inc. ("Starview"), Mountain View Broadcasting Company ("Mountain View") and Silverado Broadcasting Company ("Silverado") (collectively "Petitioners"),¹ by their undersigned attorney, hereby petition the Commission to amend Sections 73.1125(a) (the "Main Studio Rule") and 73.3526(d) (the "Public File Rule") as follows:

(i) to delete the requirement of the Main Studio Rule that AM, FM and television stations maintain a main studio within their principal city contour as defined by Sections 73.24(i), 73.315(a) and 73.685(a) of the Rules and to provide instead that "every AM, FM and television station shall maintain a main studio which is so situated as to be reasonably accessible to residents of the station's community of license";

(ii) to delete the requirement of the Public File Rule that

¹Each of the Petitioners except for Mountain View is the licensee of two or more stations which operate in the same market area but are licensed to different communities and are prevented from consolidating the operations of their stations at a single centrally located and accessible studio location due to the requirement that each station have a main studio within its principal city contour. Mountain View which currently only owns one station is in the process of acquiring a second station in the same market area for which it will be required by the Main Studio Rule to maintain a separate studio.

stations which do not have their main studio in their community of license maintain their public file at an accessible location within their community of license and to provide instead that the public files of all stations are to be located at the station's main studio.

Petitioners submit that the proposed change in the Main Studio Rule will serve the public interest because (i) the requirement that each station maintain a main studio within its principal city contour does not in any way further the objectives underlying the requirement and (ii) the requirement imposes substantial burdens on licensees without producing any public interest benefit. Petitioners further submit that the proposed change in the Public File Rule will serve the public interest because (i) members of the public normally come to a station's main studio, wherever located, to inspect the public file, and (ii) station personnel are better able to assist members of the public in locating the documents that they are seeking than are custodians of public files who have no familiarity with the documents contained in the files or the FCC's public file requirements.

I. Section 73.1125 Does Not Further the Objectives Which Were the Basis of Its Adoption.

The requirement that licensees maintain a "main studio" within their station's principal city contour was adopted on the theory that this requirement would ensure that a station's "studio remains within the station's market *and near its community of license*" and,

thus, would be "readily accessible to community residents." *Amendment of Sections 73.1125 and 73.1130, Main Studio and Program Origination for Radio and TV ("Main Studio Rule")*, 2 FCC Rcd 3215, 3218 (1988) (emphasis added). The Commission also believed that requiring each station to locate its main studio "near its community of license" would expose the station's management and staff "to community activities, help them identify community needs and interests and thereby meet their community service requirements." *Main Studio Rule Report and Order on Reconsideration*, 3 FCC Rcd 5024, 5028 (1998).

The requirement that every station maintain a "main studio" within its principal city contour does not "ensure," or even make it likely, that a station's studio will be accessible to residents of the station's community of license or that the station's management and employees will become familiar with the needs and interests of the station's community of license. That this is so is obvious from the fact that the principal city contours of television and Class C FM stations have radii which range from 36 to 43 miles (assuming uniform terrain).² Consequently, as

²Based on calculations provided to the undersigned by a broadcast engineering consultant, the distance to the principal city coverage contours of VHF, UHF and Class C FM stations operating with maximum facilities are 36.33 miles, 43 miles and 42.5 miles, respectively.

illustrated by the following examples,³ a television station or a Class C FM station operating from a transmitter site located at or near the maximum distance from the station's community of license permitted by the principal city coverage rule could locate its main studio as 70 or even 80 miles from its community of license and still be in full compliance with the Main Studio Rule.

Illustration A: Station WGBO-TV, Joliet, IL.

WGBO-TV's antenna is located on the Sears Tower in downtown Chicago which is 32 miles from Joliet. Pursuant to the Main Studio Rule, WGBO-TV could lawfully locate its main studio in the Sears Tower, a location that would neither be "readily accessible" to residents of Joliet, nor which would "expose" the station's staff and management to the problems and needs of the Joliet community. Based on the coverage map for WGBO-TV attached as Exhibit A, WGBO-TV could lawfully locate its main studio in Waukegan, Illinois, approximately 55 miles North-Northeast of Joliet, and on the opposite side of Chicago from Joliet. WGBO-TV could also locate its main studio in the State of Indiana, midway between Gary and Michigan City, and approximately 52 miles from Joliet, or anywhere

³These three illustrations of how the Main Studio Rule does not serve its intended purpose were selected solely on the basis of the undersigned's familiarity with the transmitter sites of the stations used in the examples and the geography of the markets in which they operate. Hundreds of similar illustrations could be presented using the coverage of randomly selected television and Class C FM stations (or even Class C1, C2 or B FM stations) licensed to other markets.

else throughout a land area of approximately 120 square miles. Were it not for the presence of Lake Michigan, WGBO-TV's main studio could be lawfully be located as far as 68 miles Northeast of Joliet.

Illustration B: Station KKTO(TV), Santa Fe, NM.

The antenna for Station KKTO is located on the Sandia Crest which overlooks Albuquerque and is approximately 45 miles from Santa Fe. As shown by the KKTO coverage map attached as Exhibit B hereto, KKTO could lawfully located its main studio in Albuquerque, approximately 55 miles from Santa Fe, a location that would neither be "readily accessible" to residents of Santa Fe nor put the station's staff and management in touch with the needs and problems of that community. KKTO could also lawfully locate its main studio as far as 80 miles to the Southeast of Santa Fe, or more than one hour and fifteen minutes driving time at the lawful speed limit.

Illustration C: Station KZRQ, Santa Fe, NM.

KZRQ's antenna is located at a site at the South end of the Jemez Mountains, approximately 30 miles from Santa Fe. As shown by KZRQ's coverage map attached as Exhibit C hereto, KZRQ could lawfully located its main studio in Albuquerque or at the far Western fringe of its principal city contour which is approximately 70 miles from Santa Fe and not accessible by paved road.

Illustration D: Station KFXA(TV), Dubuque, IA.

KFXA has filed an application to relocate its antenna to a new tall

tower to be located approximately 22 miles West Northwest of Cedar Rapids. The coverage map for KFXA's proposed facilities attached as Exhibit D reflects that once this application is granted, it would be lawful for KFXA to locate its main studio in Cedar Falls, Iowa, which is more than 50 miles from the city limits of Cedar Rapids, and at least an hour's driving time from Cedar Rapids under ideal driving conditions.

* * *

It is clear from the foregoing illustrative situations that the requiring stations to maintain a main studio within their principal city contour does nothing to assure either that stations will have accessible main studios or that management and employees of stations will be exposed to the needs and issues of their communities of license.⁴ A rule that imposes substantial burdens on licensees but which does not serve the objectives for which the rule was adopted obviously should either be amended to serve those objectives, or failing that, should be abolished.

II. The Application of the Main Studio Rule Produces Anomolous and Arbitrary Results.

⁴Although the Main Studio Rule does not prohibit high power stations from locating their main studios far from their communities of license or at sites which are not easily accessible, licensees invariably select main studio sites that are readily accessible to the residents of their primary service area, their advertisers and their employees because such site selection is essential to the successful operation of their businesses. When it comes to main studio location, the private needs of the licensee and the public interest coincide, obviating the need for any main studio rule.

The objectives that Section 73.1125 is designed to further (i.e., to ensure that each station has a main studio that is readily accessible to the residents of its community of license and to expose station management and employees to the needs and issues of the station's community of license) are identical for all classes of broadcast stations. In theory, therefore, the rule should ensure that the main studios of all stations licensed to a given community are, with minor deviations, equally accessible to the residents of the community and located so as to equally expose the staffs of the stations to the issues and problems of their communities. In actual application, the rule does not achieve such equality or uniformity of accessibility or exposure. The rule permits high power stations to locate their main studios as much as 70 or 80 miles, and more than an hour's driving time, from their community of license while it requires low power stations to locate their main studio within less than 10 miles, and less than 10 minutes' driving time, of their community of license.⁵ Clearly, the rule is either much more restrictive than is necessary to achieve its stated objective as to stations with relatively small

⁵The city grade contour of a Class A FM station operating with maximum facilities extends approximately 10 miles. Therefore, a Class A station that had its antenna located in the center of its community would need to locate its main studio within 10 miles of its community. Even if the Class A FM station's antenna were located as far from its community of license as possible, it would not be able to locate its main studio more than 20 miles from its community of license.

coverage areas, or it is much too expansive as to stations with relatively large coverage areas. Since the objectives of the rule do not vary depending upon class of station, the fact that the rule produces radically different results as to where a station can locate its main studio depending on the station's class establishes that the rule is not designed to achieve its stated objectives.

As will be shown in the following illustrations, the application of the rule frequently produces results which are anomalous, and at times are directly contrary to the objectives of the rule:⁶

Illustration E: Stations KMIX(FM), Tracy, CA, and Stations KCVR(AM) and KWIN(FM), Lodi, CA.

Petitioner Silverado is the licensee of Stations KMIX (formerly KEXX) Tracy, California, and Stations KCVR(AM) and KWIN(FM), Lodi, California. Silverado acquired Station KMIX along with Station KWG(AM), Stockton, CA, in 1992. At the time of the acquisition, both stations were being operated out of a studio/office complex in Stockton, and Silverado assumed the lease for this studio/office space. Although the combined KWG/KMIX studio office was not located within the principal city contour of KMIX, the former owner had not maintained a separate main studio

⁶Although these illustrations are based upon the circumstances of the three petitioners, based on the undersigned's experience in advising clients concerning the applicability of the main studio rule, similarly anomalous situations exist in hundreds of situations around the country.

for the station. After reviewing the situation with counsel, Silverado leased space for, equipped, and staffed a main studio in Tracy which complies with the requirements of the Main Studio Rule.

Lodi is only 5 miles and 5 minutes driving time closer to Stockton than is Tracy. However, because the KCVR and KWIN transmitter sites are so located as to provide principal city coverage to Stockton, when Silverado acquired these stations in 1994 it was able to locate the KCVR and KWIN main studios at its Stockton studio/office complex. The slight differences in miles and driving time to Silverado's Stockton studio/office complex from the communities of Tracy and Lodi do not render that studio location significantly more "accessible" to the residents of Lodi than to the residents of Tracy, nor do these slight differences in distance and driving time make it likely that Silverado's management and staff working out of its Stockton studio/office complex will become more familiar with the needs and problems of Lodi than with those of Tracy. Yet the Main Studio Rule, the sole purpose of which is to ensure accessibility and exposure to a station's community of license, requires Silverado to maintain a main studio in Tracy but not in Lodi.

If KWIN's transmitter site were moved approximately 2 miles North, KWIN would no longer be able to use Silverado's Stockton studio/office complex as its main studio because the station's principal city contour would not quite reach that location

notwithstanding the fact that (i) the distance and travel time from Lodi to the Stockton studio/office complex would not have changed and (ii) the Stockton studio/office complex could still serve as the lawful main studio for KCVR. As the objectives of the Main Studio Rule are identical for all stations, regardless of class, the fact that a studio location can be lawful under the rule for one station licensed to a particular community and at the same time unlawful for another station licensed to that community renders the rule arbitrary and unreasonable.

Illustration F: Station WTDK, Federalsburg, MD.

Petitioner Apex Associates, Inc. is the licensee of Stations WTDK(FM), Federalsburg, Maryland, and WAAI, Hurlock, Maryland. At the time Apex acquired WTDK, the WAAI main studio, which was located on a main state highway 8 miles from Federalsburg had ample space to accommodate the WTDK operations, and the then existing main studio of WTDK was located in a dilapidated structure at the station's transmitter site which was approximately the same distance from Federalsburg as the WAAI main studio, but was accessible only over a series of secondary roads, one of which was unpaved. WTDK is a Class A station. As such, the radius of its principal city contour is approximately 10 miles. Although the principal city coverage area of WTDK is relatively small, encompassing just over 60 square miles, the Main Studio Rule neither ensures that the WTDK's main studio will be located so as

to be "readily accessible" to the residents of Federalsburg nor that the station's management and staff will be exposed to the needs and problems of that community. As reflected on Exhibit F, WTDK could lawfully locate its main studio in Vernon, Delaware, which, while only 14 miles from Federalsburg in a direct line, is more than 20 miles, and at least 45 minutes, from Federalsburg via a series of small country roads. On the other hand, the Rule does not permit Apex to locate WTDK's main studio at the WAAI studio location which is as close to Federalsburg as the existing WTDK main studio, is much more accessible to residents for Federalsburg and the entire WTDK service area, and is much better equipped and has amenities such as running water and plumbing which are lacking at the WTDK main studio site.⁷

⁷In 1995, Apex filed an application for a waiver of the main studio rule to permit it to co-locate WTDK's main studio with that of WAAI (BMLH-950811AK). The waiver request explained that the existing main studio of WTDK, which Apex had acquired with the station, was located at the WTDK transmitter site, was accessible only over back roads, one of which was unpaved, and that there was no running or potable water or sewer or septic at the site. Apex also pointed out that WTDK operated at a loss, that the station had been silent in the recent past due to financial difficulties, and that by co-locating the WTDK main studio with the WAAI main studio, Apex would be able to save over \$2,000 per month which would help Apex place WTDK on a sound financial footing. The waiver request was denied by letter dated November 22, 1995, on the grounds that (i) Apex had not demonstrated that a suitable main studio was not available within the station's principal city contour and (2) the reasons cited by Apex for requesting the waiver related only to how Apex, not the public would benefit. As a consequence, the WTDK studio remains at the station's transmitter site, a location that is not as accessible to residents of Federalsburg and that is nowhere near as well equipped as the WAAI studio site and Apex continues to spend more than \$2,000/month to maintain and staff

Illustration G: Station KRQT, Castle Rock, WA. Armak Broadcasters, Inc. ("Armak"), the licensee of KRQT, is also the licensee of Station KBAM(AM), Longview, Washington, and had been the licensee of KBAM for a number of years before it obtained a construction permit for KRQT. The coverage map for KRQT attached hereto as Exhibit G shows, in addition to the pertinent coverage contours, the locations of Castle Rock, Longview, the KBAM main studio and the KBAM transmitter site. The main studio of KBAM which was established long before KRQT's channel was allotted to Castle Rock is located approximately ten miles from Castle Rock and approximately one mile from a main state highway which links Castle Rock and Longview and three miles from an interchange to I-5 near an interchange to I-5 which also links the two communities. However, because the KBAM main studio is located approximately one-half mile beyond the KRQT principal city contour, the Main Studio Rule prohibits Armak from co-locating KRQT's main studio with KBAM's.⁸ The rule would, however, permit Armak to locate the KRQT

this "main studio" notwithstanding the fact that it serves no useful purpose for Apex or the public.

⁸In view of the fact that the Commission has held that, "in order to justify a waiver of the main studio rule, an applicant must show . . . that there are no suitable studio locations anywhere with the station's principal community contour" (emphasis added) (Letter dated Nov. 22, 1995, denying main studio waiver for WTDK BMLH-950811KA), and based on informal advice from the Commission's staff that a request for a waiver to permit the main studio of KRQT to be located at the KBAM studio site would almost certainly be denied, Armak did not file an application for a waiver of the main studio rule with respect to KRQT as such a

main studio at the KBAM transmitter site which is within KRQT's principal city contour, is almost exactly the same distance from Castle Rock as the current KBAM studio site, but is much less accessible than the KBAM main studio as it is located in a hilly area and can only be reached via narrow and winding roads. The Main Studio Rule would also permit Armak to locate KRQT's main studio at the station's transmitter site which is approximately the same distance from Castle Rock as the KBAM studio, but is 9 miles from the nearest paved road and can only be reached by four wheel drive vehicle via a logging road or as far as 20 miles to the North-Northwest of Castle Rock in the midst of untracked forest.

III. The Main Studio Rule Is Based Upon a Misconception as to How Licensees Keep Abreast of, and Cover, Public Issues.

The Main Studio Rule is the product of two outmoded and false assumptions, to wit: that by having a staff presence at a studio location within a station's principal city contour a licensee will become better informed of the needs and problems of the community that it is easier for residents of a station's community of license to make their views on issues and programming known to a licensee, and to participate in public service programming, if a station maintains a studio facility capable of originating programming within the station's principal community contour.

It has been shown above that requiring stations to

filing would have been futile.

maintain a main studio within their principal city contour does nothing to ensure that a station's main studio will be accessible to residents of the its communities of license or that any managerial or nonmanagerial employees of the station will ever be present in, let alone exposed to the issues and problems of, the station's community of license. Even if the Main Studio Rule had the effect of requiring the two employees necessary to satisfy the minimum staffing requirements for a "main studio" to report for work in or near the station's community of license, this would do nothing to ensure, or even increase the chances, that the station would be better informed of the issues of its community than it would be if the requirement did not exist.⁹ Driving on an interstate highway to a small community and working out of a small office in that community does nothing to inform a worker of the problems of the community (except perhaps for traffic congestions problems), or even to make it more likely that the employee will become informed of community problems than he or she would if he or she worked out of an office outside the community's boundaries. It

⁹Licensees are required to maintain a "management and staff presence on a full time basis" at their main studio. The Commission has held that this requirement is met by a licensee staffing its main studio with one full-time management level employee and one additional employee who may take on responsibilities for another business as long as the main studio is attended during normal business hours. *Jones Eastern of the Outer Banks, Inc.*, 6 FCC Rcd 3615(1991), *clarified*, 7 FCC Rcd 6800 (1992). A chief engineer, controller or chief accountant assigned to work out of the main studio will satisfy the requirement that there be a "meaningful managerial presence" at the main studio.

cannot reasonably be expected that the by requiring that two of Apex's employees to report for work at the studio located at the WTDK transmitter site some eight miles outside of Federalsburg, two of Silverado's employees to report for work at the KMIX main studio in the community of Tracy, and two of Armak's employees to report for work at the KRQT main studio in Castle Rock the Main Studio Rule in any way ensures that these licensees will be better informed of the problems of the communities of license of Stations WTDK, KMIX and KRQT than they would be if none of their employees reported for work in or near those communities. What ensures that these and other licensees will familiarize themselves with the needs, issues and problems of their communities of license is their awareness of their obligation to provide local service to such communities.

Requiring that stations maintain a main studio within their principal city contour also does nothing to encourage or facilitate communications with residents of a station's community of license or the participation of those residents in programming.

Public officials and residents of a community wishing to communicate their views about programming rarely do so by paying a personal visit to the station's studio. Rather they telephone, or write, to the station. Nor do public officials or residents of a community often present themselves at a station's studios to express their views on the air. Rather, radio and television

stations typically send reporters with camcorders or tape recorders to public officials and average citizens who are involved in news events, or who are to be interviewed in connection with public issues. Radio stations also often conduct interviews, and record listener commentaries, by telephone.¹⁰

In the early 1980's, the Commission eliminated the requirements that licensees present minimum amounts of news, public affairs and other public interest programming and that licensees engage in formal community needs ascertainment in the belief that licensees should be afforded wide discretion and flexibility in determining how best to serve the public interest. *Deregulation of Radio*, 84 FCC 2d 968, *recon. denied* 87 FCC 2d 797 (1981). In doing so, the Commission warned licensees that the elimination of Commission mandated programming and ascertainment requirements in no way relieved licensees of their responsibility to familiarize themselves with the needs, interests, and problems of their communities and to present programming responsive to those needs, interests, and problems. For the Commission to require that licensees maintain a main studio within their station's principal city coverage contour so as to "ensure that the station's staff and

¹⁰The undersigned has been interviewed on a number of occasions by radio and television stations and has also given commentaries on radio stations. With the exception of one occasion when the undersigned recorded a commentary at a radio station's studio, all of the interviews and commentaries were done either by the station sending a reporter with a recorder or a camera crew to the undersigned's office or residence or via a telephone hook-up.

management will be exposed to the issues and problems of the station's community of license" is inconsistent with the philosophy behind these deregulatory actions. Consistent with that philosophy, the Commission should rely upon licensees to take appropriate steps to familiarize themselves with the issues and problems of their communities without imposing an artificial, inflexible, and ineffective requirement that they maintain a minimal managerial and staff presence at a "main studio" within their station's principal city coverage contour. As the Commission pointed out in *Deregulation of Radio*, the bottom line requirement is that licensees serve the public interest and licensees should be accorded broad latitude in determining how they can best fulfill this obligation.

IV. The Main Studio Rule Imposes Substantial Burdens on Many Multi Station Licensees.

Silverado, Armax, Apex and the other Petitioners herein are all the licensees of two or more stations in a single market area, all have well equipped, centrally located and easily accessible studio/office complexes from which they can conduct the programming and business operations of the stations that they own efficiently, and all are sensitive to their obligations to serve the needs and interests of the discrete communities to which their stations are licensed. None of the Petitioners has any need for a second, or third, studio within the market area of their stations in order to fulfill its public interest obligations. Yet each of the

petitioners is required by the Main Studio Rule to maintain a main studio separate and apart from its central studio/office complex because at least one of its stations, due to the location of its transmitter, does not place a principal city signal over the central studio/office complex. These separate main studios serve no useful purpose for the petitioners, and they provide no benefits to the public since they are not used for the origination or production of programming, and they are rarely if ever visited by public officials or the public. The cost to petitioners of maintaining these useless main studios is not insubstantial. These costs include the installation and maintenance of program origination and production facilities, rent, utilities and telephone, and the salaries of two employees, one of whom must be present at all times during business hours to receive visitors even though none ever come. The resources that Petitioners expend on maintaining the superfluous main studios separate and apart from their central studio/office complex in no way benefit the public and could obviously be put to more productive use.

There are currently hundreds of licensees around the country who are in the same position as the Petitioners in that they are required by the Main Studio Rule to maintain one or more studios separate from their central studio/office complex at substantial expense and for no useful purpose either to themselves or the public that they are licensed to serve. With the recent changes in

the multiple ownership limits which permit licensees to own between 5 and 8 stations in the same market, the number of situations where licensees will be required to maintain superfluous "main studios" in separate communities within a single market will increase greatly. The Main Studio Rule was last revised when the maximum number of stations that a single licensee could own in a market was two, one AM and one FM. It is clearly time to review and the Rule and adjust it to conform with current ownership realities.

III. The Requirement that Station's Maintain Their Public File in Their Community of License Does Not Serve the Public Interest

Pursuant to the Public File Rule, stations which do not have a main studio in their community of license are required to maintain their public file at a location in their community of license rather than at their main studio. The theory behind this requirement is to make the public file accessible to the residents of the station's community of license. Since the Main Studio Rule is intended to ensure that a station's main studio will be accessible to the residents of the station's community (and will actually accomplish this objective if it is amended as proposed herein), a separate requirement that stations maintain a public file in their community of license is not needed in order to ensure accessibility. Moreover, a station's public file is not only, or primarily, of interests to persons who reside within the station's community of license. It is equal interest to all persons within

the station's service area. This being the case, from the standpoint of making the public file accessible, the logical place to require that it be maintained is at the station's main studio which, in most cases, will have been selected by the licensee for its accessibility to the station's employees, advertisers, and listeners from throughout the station's service area.

The requirement that stations which do not have a main studio in their community of license maintain their public file within their city of license is of little practical benefit even to residents of the community of license, and may well render the public file information less "accessible" to residents of the community of license, and the public at large, than it would be if the public file were maintained at the station's main studio. When a person is interested in viewing a station's public file, he or she will typically make a trip to the station's main studio without inquiring in advance as to the location of the public file. Thus, the typical person in search of a public file is not aided by the requirement that the public file be maintained in the station's community of license, rather than at the station's main studio, and such persons would actually be inconvenienced by the rule were it not for the fact that most stations which are required to maintain their public file at a location other than their main studio also keep a duplicate public file at the studio. Moreover, persons who call in advance to inquire about inspecting a station's public file

are normally invited to inspect the duplicate file at the station's main studio and will not even be told of the existence of the official public file in the station's community of license unless they specifically ask about it.

Finally, from the standpoint of assisting members of the public in obtaining information, it does not make sense to require stations to maintain their public files at any location other than their own studios. Members of the public often have little if any knowledge as to the sort of information that stations are required to maintain in their public files. When they inspect the public file at the station, they can get assistance in locating information and reliable answers to any questions that they might have concerning the information that is, and is not, in the public file. Moreover, if a document is missing from the public file, station personnel often can locate the missing information, or arrange to obtain it. On the other hand, when a member of the public inspects a public file at a public library, public registry, or law office, it is doubtful that anyone at that location will be able to provide any assistance in finding documents or information or will even know whether any information required to be in the file is missing.

In sum, giving consideration to the objectives of the public file rule, requiring stations to maintain a public file at any location other than their main studio not only does not benefit the

public, but actually makes it more difficult and inconvenient for the members of the public to obtain public file information.

IV. Conclusion

As shown in the foregoing discussion, the Main Studio Rule ensures neither that the main studios of broadcast stations will be accessible to the residents of station's community of license or that the management and staff of station will be exposed to the needs, issues and problems of such community. Moreover, although the objectives that the rule aims to achieve are identical for all stations regardless of power or coverage, the rule permits some stations to locate their main studios as far as 70 or 80 miles from their communities of license while requiring other stations licensed to locate their main studios within 16 miles of their communities. The rule also produces such anomalous results as making a main studio location that is lawful for one station unlawful for another station where the two stations are commonly owned and are licensed to the very same community, and it prohibits a station from locating its main studio at a readily accessible site only a few miles from the station's community of license in one direction while permitting the same station to locate its main studio much further from the community, and at a remote and inaccessible location, in a different direction from the community. A rule that is designed to achieve a single set of objectives for all stations yet produces such disparate and anomalous results in